

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

NOTICE OF INTENT TO
REQUEST JUDICIAL REMOVAL

- against -

SHENG WEN CHENG,
a/k/a "Justin Cheng,"
a/k/a "Justin Jung,"

21 CR 261 (AJN)

Defendant.

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NOTICE IS HEREBY GIVEN TO SHENG WEN CHENG, a/k/a "Justin Cheng," a/k/a "Justin Jung," ("the defendant") and to his attorney of record, Peter Katz, Esq., that upon conviction of the defendant for violation of Title 18 United States Code, Sections 1031 and 2; Title 18 United States Code, Sections 1344 and 2; Title 15 United States Code, Sections 78j(b) and 78ff; Title 17 Code of Federal Regulations, Section 240.10b-5; Title 18 United States Code, Section 2; Title 18 United States Code, Sections 1343 and 2, the United States of America shall request that the Court issue a Judicial Order of Removal against the defendant pursuant to Section 238(c) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. § 1228(c).

Dated: New York, New York
June 8, 2021

AUDREY STRAUSS
United States Attorney
Southern District of New York

By:


Sagar Rayi
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

FACTUAL ALLEGATIONS IN SUPPORT
OF JUDICIAL REMOVAL

- against -

SHENG WEN CHENG
a/k/a “Justin Cheng,”
a/k/a “Justin Jung,”

21 CR 261 (AJN)

Defendant.

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NOTICE IS HEREBY GIVEN TO SHENG WEN CHENG, a/k/a “Justin Cheng,” a/k/a “Justin Jung,” (“the defendant”) and to his attorney of record, Peter Katz, Esq., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of the Republic of China (Taiwan).
3. The defendant was admitted into the United States as a nonimmigrant student pursuant to a F-1 visa at or near John F. Kennedy International Airport in Queens, New York, on or about April 28, 2018.
4. The defendant did not attend Global Education New York from July 20, 2018 through July 30, 2019. Thus, the defendant’s F-1 status terminated on April 22, 2019 for failing to maintain or comply with the conditions of his nonimmigrant student status.
5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, pursuant to Count

One of the Indictment, of Major Fraud against the United States from in or about April 2020 through at least on or about August 13, 2020, in a violation of Title 18 United States Code, Sections 1031 and 2; additionally, the defendant will be convicted pursuant to Count Two of the Indictment, of Bank Fraud, from at least in or about April 2020 through at least on or about August 13, 2020, in violation of Title 18, United States Code, Sections 1344 and 2; additionally, the defendant will be convicted pursuant to Count Three of the Indictment, of Securities Fraud, from at least in or about 2017 through 2019, in violation of Title 15 United States Code, Sections 78j(b) and 78ff; Title 17 Code of Federal Regulations, Section 240.10b-5; Title 18 United States Code, Section 2; additionally, the defendant will be convicted pursuant to Count Four of the Indictment, of Wire Fraud, from at least in or about 2018 through at least in or about 2019, in violation of Title 18 United States Code, Sections 1343 and 2.

6. The total maximum term of imprisonment for violations of Title 18 United States Code, Sections 1031 and 2, Sections 1344 and 2, Sections 1343 and 2; Title 15 United States Code, Sections 78j(b) and 78ff; Title 17 Code of Federal Regulations, Section 240.10b-5; and Title 18 United States Code, Section 2; is a term of 80 years imprisonment.

7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to: (1) Section 237(a)(1)(C)(i) of the Immigration and Nationality Act (“INA” or the “Act”), as amended, 8 U.S.C. § 1227(a)(1)(C)(i), as an individual who after admission as a nonimmigrant under Section 101(a)(15) of the Act, failed to maintain or comply with the conditions of the nonimmigrant status under which he was admitted, (2) Section 237(a)(2)(A)(iii) of the Act, as amended, 8 U.S.C. § 1227(a)(2)(A)(iii), as an individual who is convicted of an aggravated felony at any time after admission as defined in section 101(a)(43)(M)(i) of the Act, an offense that involves fraud or deceit in which the loss to the victim

or victims exceeds \$10,000.

WHEREFORE, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), the United States of America requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to the Republic of China (Taiwan).

Dated: New York, New York
June 8, 2021

AUDREY STRAUSS
United States Attorney
Southern District of New York

By:


Sagar Ravi
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER OF JUDICIAL REMOVAL

- against -

SHENG WEN CHENG
a/k/a "Justin Cheng,"
a/k/a "Justin Jung,"

21 CR 261 (AJN)

Defendant.

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Upon the application of the United States of America, by Sagar Ravi, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of SHENG WEN CHENG, a/k/a "Justin Cheng," a/k/a "Justin Jung," ("the defendant") and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of the Republic of China (Taiwan).
3. The defendant was admitted into the United States as a nonimmigrant student pursuant to a F-1 visa at or near John F. Kennedy International Airport in Queens, New York, on or about April 28, 2018.
4. The defendant did not attend Global Education New York from July 20, 2018 through July 30, 2019. Thus, the defendant's F-1 status terminated on April 22, 2019 for failing to maintain or comply with the conditions of his nonimmigrant student status.

5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, pursuant to Count One of the Indictment, of Major Fraud against the United States from in or about April 2020 through at least on or about August 13, 2020, in a violation of Title 18 United States Code, Sections 1031 and 2; additionally, the defendant will be convicted pursuant to Count Two of the Indictment, of Bank Fraud, from at least in or about April 2020 through at least on or about August 13, 2020, in violation of Title 18, United States Code, Sections 1344 and 2; additionally, the defendant will be convicted pursuant to Count Three of the Indictment, of Securities Fraud, from at least in or about 2017 through 2019, in violation of Title 15 United States Code, Sections 78j(b) and 78ff; Title 17 Code of Federal Regulations, Section 240.10b-5; Title 18 United States Code, Section 2; additionally, the defendant will be convicted pursuant to Count Four of the Indictment, of Wire Fraud, from at least in or about 2018 through at least in or about 2019, in violation of Title 18 United States Code, Sections 1343 and 2.

6. The total maximum term of imprisonment for violations of Title 18 United States Code, Sections 1031 and 2, Sections 1344 and 2, Sections 1343 and 2; Title 15 United States Code, Sections 78j(b) and 78ff; Title 17 Code of Federal Regulations, Section 240.10b-5; and Title 18 United States Code, Section 2; is a term of 80 years imprisonment.

7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to: (1) Section 237(a)(1)(C)(i) of the Immigration and Nationality Act (“INA” or the “Act”), as amended, 8 U.S.C. § 1227(a)(1)(C)(i), as an individual who after admission as a nonimmigrant under Section 101(a)(15) of the Act, failed to maintain or comply with the conditions of the nonimmigrant status under which he was admitted, (2) Section 237(a)(2)(A)(iii) of the Act, as amended, 8 U.S.C. § 1227(a)(2)(A)(iii), as an individual who is

convicted of an aggravated felony at any time after admission as defined in section 101(a)(43)(M)(i) of the Act, an offense that involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000.

8. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

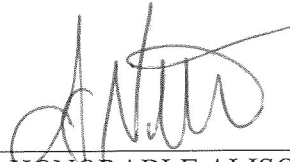
9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

10. The defendant has designated the Republic of China (Taiwan) as the destination for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to the Republic of China (Taiwan).

Dated: New York, New York

Aug 11, 2021



THE HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

DEFENDANT'S PLEA STATEMENT IN
SUPPORT OF JUDICIAL REMOVAL

- against -

SHENG WEN CHENG
a/k/a "Justin Cheng,"
a/k/a "Justin Jung,"

21 CR 261 (AJN)

Defendant.

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SHENG WEN CHENG a/k/a "Justin Cheng," a/k/a "Justin Jung," defendant in the above-captioned criminal proceeding, hereby states as follows:

1. My true and correct name is SHENG WEN CHENG.
2. I received a Notice of Intent to Request Judicial Removal ("Notice"), dated June 8, 2021. I am the person identified in that document. I hereby waive my right, pursuant to Section 238(c)(2)(A) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1228(c)(2)(A), to have the Notice served upon me prior to the commencement of the trial or entry of a guilty plea in this case.
3. I received the Factual Allegations in Support of Judicial Removal ("Allegations"), dated June 8, 2021. I hereby waive my right, pursuant to Section 238(c)(2)(B) of the INA, 8 U.S.C. § 1228(c)(2)(B), to have the allegations served 30 days prior to sentencing.
4. My rights in a judicial removal proceeding have been fully explained to me by my attorney, Peter Katz, Esq. After consultation with counsel and understanding the legal consequences of doing so, I knowingly and voluntarily waive the right to the notice and hearing

provided for in Section 238(c)(2) of the INA, 8 U.S.C. § 1228(c)(2), and further waive any and all rights to appeal, reopen, reconsider, or otherwise challenge this order. I understand the rights I would possess in a contested administrative proceeding and I waive these rights, including my right to examine the evidence against me, present evidence on my own behalf, and cross-examine witnesses presented by the United States. I understand these rights and waive further explanation by the Court.

5. I hereby admit that all of the factual allegations set forth in the Allegations are true and correct as written.

6. I hereby concede that I am removable from the United States pursuant to: (1) Section 237(a)(1)(C)(i) of the Immigration and Nationality Act (“INA” or the “Act”), as amended, 8 U.S.C. § 1227(a)(1)(C)(i), as an individual who after admission as a nonimmigrant under Section 101(a)(15) of the Act, failed to maintain or comply with the conditions of the nonimmigrant status under which he was admitted, (2) Section 237(a)(2)(A)(iii) of the Act, as amended, 8 U.S.C. § 1227(a)(2)(A)(iii), as an individual who is convicted of an aggravated felony at any time after admission as defined in section 101(a)(43)(M)(i) of the Act, an offense that involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000.

7. I hereby waive any and all rights I may have to any and all forms of relief or protection from removal, deportation, or exclusion under the INA, as amended, and related federal regulations. These rights include, but are not limited to, the ability to apply for the following forms of relief or protection from removal: asylum; withholding of removal under Section 241(b)(3) of the INA, 8 U.S.C. § 1231(b)(3); any protection from removal pursuant to Article 3 of the United Nations Convention Against Torture, including withholding or deferral of removal under 8 C.F.R. §§ 208.16-17 and 1208.16-17, cancellation of removal; adjustment of status; registry; *de novo*

review of a denial or revocation of temporary protected status (current or future); waivers under Sections 212(h) and 212(i) of the INA, 8 U.S.C. §§ 1182(h), 1182(i); visa petitions; consular processing; voluntary departure or any other possible relief or protection from removal available under the Constitution, laws or treaty obligations of the United States.

8. I agree to the entry of a stipulated judicial order of removal pursuant to Section 238(c)(5) of the INA, 8 U.S.C. § 1228(c)(5). I acknowledge that I have not been persecuted in, and have no present fear of persecution in the Republic of China (Taiwan), the country of my nativity and citizenship. I further acknowledge that I have not been tortured in, and have no present fear of torture in the Republic of China (Taiwan), the country of my nativity and citizenship.

9. I consent to the introduction of this statement as an exhibit in the record of these judicial removal proceedings. I further agree to make the judicial order of removal a public document, waiving my privacy rights, including any privacy rights that might exist under 8 C.F.R. § 208.6.

10. I agree to assist U.S. Immigration and Customs Enforcement (“ICE”) in the execution of my removal. Specifically, I agree to assist ICE in the procurement of any travel, identity, or any other documents necessary for my removal; to meet with and to cooperate with representatives of any country to which I may by statute be removed if ICE so requests; and to execute any forms, applications, or waivers needed to execute or expedite my removal. I further understand that my failure or refusal to assist ICE in the execution of my removal may subject me to criminal penalties under Section 243 of the INA, 8 U.S.C. § 1253.

11. I concede that the entry of this judicial order of removal renders me permanently inadmissible to the United States. I agree that I will not enter, attempt to enter, or transit through the United States without first seeking and obtaining permission to do so from the Secretary of the

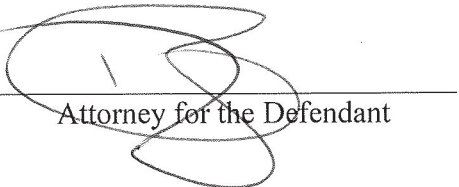
Department of Homeland Security or other designated representative of the U.S. government.

12. I will accept a written order issued by this Court for my removal from the United States to the Republic of China (Taiwan) and I waive any and all rights to challenge any provision of this agreement in any U.S. or foreign court or tribunal.

08.11.21
Date

8-11-21
Date


Defendant's Signature


Attorney for the Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA
-against-

CONCURRENCE OF UNITED STATES
IMMIGRATION AND CUSTOMS
ENFORCEMENT

SHENG WEN CHENG
a/k/a "Justin Cheng,"
a/k/a "Justin Jung,"

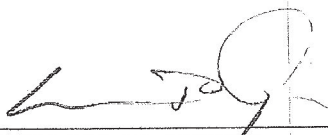
21 CR 261 (AJN)

Defendant.

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Based upon consideration of the applicable law and the defendant's statement, I hereby concur, on behalf of United States Immigration and Customs Enforcement, in the United States Attorney's request that a judicial order of removal be granted against the defendant.

Dated: New York, New York
June 8, 2021



WILLIAM P. JOYCE
Deputy Field Office Director
United States Immigration and Customs
Enforcement
For
THOMAS R. DECKER
Field Office Director
United States Immigration and Customs
Enforcement